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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,023	01/13/2004	Babu Mavunkel	219002029210	3276

25225 7590 06/09/2006

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EXAMINER

HABTE, KAHSAY

ART UNIT PAPER NUMBER

1624

DATE MAILED: 06/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



### **DETAILED ACTION**

1. Claims 1, 6, 10, 16-20, 23-26, 28-30, 43-45, 47-49, 53 and 57 are pending in this application.

### ***Response to Amendment***

2. Applicant's amendment filed 4/26/2006 in response to the previous Office Action (9/19/2005) is acknowledged. Rejections of claims 1, 3-21, 23-26, 28-32, 35-36 and 39-53 under 35 U.S.C. § 112, second paragraph (items 6a-6c) have been obviated.

3. The claims are drawn to multiple inventions for reasons set forth in the restriction requirement. The claims are examined only to the extent that they read on the elected invention. Cancellation of the non-elected subject matter is recommended in response to this Office Action. It is recommended that applicants delete non-elect subject matter in response to this Office Action. Note that applicant's elected Group I (i.e. Ar<sup>2</sup> = aryl, 5-membered heteroaryl rings (see the first 9 heterocyclic rings in claim 9), pyridines, indole, benzothiophene, quinolines, isoquinolines and naphthyridines).

### ***Abstract***

4. The new abstract is objected because it does not define the invention properly. It is recommended that applicants insert a chemical structure from the previous abstract. Note that the abstract should be in one page.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1, 6, 10, 16-20, 23-26, 28-30, 43-45, 47-49 and 53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention:

a. Claim 1 is rejected because the phrase “and where two R' can be joined to form fused ....ring which contains 3-8 members” is not clear. What ring? Is it heterocyclic or carbocyclic? Note that since the definition of R' pertains to variable H inside the rings (see the definition of Ar<sup>2</sup> at page 4, rows 2-3), applicants have to make sure that the rings formed by joining two R' groups does not form rings that are different from the elected invention.

b. In claim 10, the phrase “R” is **O** independently selected from...” is not clear. Is this a typo? If so, the “**O**” should be removed from the definition of R”.

c. In claim 10 (page 6), the phrase “two or more R” groups may form a fused ring” is not clear. How can three R” groups form a ring? Is this a typo? Where is the substituent with three R”s?

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d. In claim 10, the chemical structure of formula (I) has variable R with flag symbol, but this variable does not correspond to the definition of variables in claim 10. Is this a typo? Note that all the chemical structures in claim 10 have said variable R with flag symbol. It is recommended that applicants fix this problem. Note that there is also the definition of variable RO, but there is no variable RO in the chemical structure or in the definition of other variables.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kahsay Habte, Ph. D. whose telephone number is (571) 272-0667. The examiner can normally be reached on M-F (9.00AM- 5:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Wilson can be reached at (571) 272-0661. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'Kahsay Habte', written in a cursive style.

Kahsay Habte  
Primary Examiner  
Art Unit 1624

KH

June 7, 2006